

Re: Compliance issues in Census Case 5:20-cv-05799-LHK

Gregory Dillon <gregorydilloncount@gmail.com>

Wed 9/30/2020 5:02 PM

To: CRD LHK <LHKCRD@cand.uscourts.gov>; Brad Rosenberg <brad.rosenberg@usdoj.gov>; Alexander Sverdlov <alexander.v.sverdlov@usdoj.gov>; Sadik Huseny <sadik.huseny@lw.com>; Melissa Sherry <melissa.sherry@lw.com>

Shame on me.

Again an errata

In my just submitted declaration, I twice referred to ECF-241 when the correct reference is ECF-244

On Wed, Sep 30, 2020 at 4:57 PM Gregory Dillon <gregorydilloncount@gmail.com> wrote:

With this email, I submit a reply to the declaration of Mr Christy.

My original declaration was at ECF-222

The court order at ECF224

Mr Christy responded at ECF-244.

This email contains four attachments.

My declaration, and three SF-50, Notice of Personnel Action. I ask that if they be entered into the public record, that the portion of the SF-50s after box 7 be redacted as it is irrelevant and implicates my privacy.

Best regards

Gregory Dillon

On Mon, Sep 28, 2020 at 12:05 PM Gregory Dillon <gregorydilloncount@gmail.com> wrote:

Further errata, Signature date should have been September 28, 2020.

My mistake, I was rushing to meet the noon filing period.

On Mon, Sep 28, 2020 at 12:04 PM Gregory Dillon <gregorydilloncount@gmail.com> wrote:

Errata, Sunday September 28, 2020 should have been Sunday, September 27, 2020

On Mon, Sep 28, 2020 at 12:00 PM Gregory Dillon <gregorydilloncount@gmail.com> wrote:

Declaration

I have worked as a Census Field Supervisor at the San Francisco Area Census Office (SF ACO) since February 2020. I have worked on the Group Quarters side, more than the NRFU side.

I learned of this court's September 5, 2020 TRO from media reports. As a Census Field Supervisor I have received zero notice from the Census Bureau about the existence of the TRO issued by this court on September 5, 2020.

The Census Bureau Public release of September 5, 2020
(<https://www.census.gov/newsroom/press-releases/2020/federal-court-order.html>)
states,

The Census Bureau and the Commerce Department are obligated to comply with the Court's Order and are taking immediate steps to do so.

The Bureau and the Department are also in the process of preparing additional guidance and will distribute that guidance shortly.)

(Italics supplied by me.)

As of writing the described "forthcoming" additional guidance has not yet been received by this CFS.

In the meantime, the Census has distributed guidance on a multiple of topics, through the iPad and iPhone Hub message system. For example

[t]hanks to everyone in the field as you contribute to a successful completion of the 2020 Census. (Sept 6 Director Dillingham)

remember [. . .] to wear a mask . as we complete the 2020 Census.
(Sept 18)

If you are injured (Sept 21)

Do not ask USPS personnel [for help] (Sept 27)

If traveling overnight [reimbursement rules](Sept 27)

As far as I know, the Census has provided zero guidance about compliance with this court's TRO or Preliminary injunctions by any means, be it telephone, email, or the iPhone and iPad applications to frontline CFS and enumerators, other than what is on the web site.

When I raised deadlines on the website that were more loose than what I heard locally, I was effectively told not to do that.

When I brought up the court's Temporary Restraining Order on my own initiative, I was treated with hostility. I asked the lead manager how the order could affect our schedules, and she wrote back cryptically

The deadline has been postpone (sic) and now we are forced to complete ETL faster than expectation. (sic)

Non written verbal conversation fleshed out that RePlan deadlines that were already impossible to meet given the starved resources, e.g. minimal staffing, insufficient training, no assistant - were further shortened. One CFS described the reaction to the new deadlines this way in an email, "The New deadline is supposedly to-morrow. I think everyone laughed in LA's face in the call, but they are serious. "

Bringing up the court's order with my manager, resulted in him changing his tone of voice to annoyance, belittling the question, and in so many words communicating that he is too busy to address it.

Apart from my manager being attitudinally hostile to the court's order, measurable substantive changes happened after I brought it up. The staff I supervised was cut in half. I was told to return the caseload to the office. I was excluded from other assignments regarding enumerations at Service Based sites.

After the "laughed in LA's faces" deadlines were communicated, myself and other CFS were being verbally instructed to take further accuracy reducing shortcuts to get the work completed ASAP. These instructions were contrary to what the thick manuals for enumerator and CFS directed as the proper way. As e.g. At Group Quarters such as SRO hotels we were being pushed to switch from first do a once through the building in person room knocking, to just getting a roster of those who lived at the SRO from the front desk and using it offsite for assembly line proxy enumeration.

I further noticed the shortcut processes the CFS teams were being communicated orally, were communicated by clerks outside of the chain of

command , or communicated by instructions to get advice from a CFS, who knew of a way to get the work done more quickly. I state this, because of the question if the shortcut instructions were being disseminated in a way to prevent the creation of a paper trail.

On Sunday September 28, 2020 afternoon between 4 pm and 7pm , I received voicemails from the SF ACO which among other things asked me to return my device, (Census iPhone) to the office. Considering the timing and circumstances, the natural implication of the requests to turn in the device, is the intent to end operations on September 30, 2020 rather than October 31, 2020.

I have received no notice or guidance from the Census Bureau regarding this court's Preliminary Injunction of September 24, 2020. I heard about the Preliminary Injunction through media reports following the proceedings.

The Decennial Census is said to employ over 200,000 temporary employees. Apart from the various harms the plaintiffs alleged to themselves and the public, there is a distinct harm to employee paychecks should the Census be abruptly foreshortened.

I, Gregory Dillon, declare that this declaration for the SJ District court in the Census case is true and accurate to my knowledge. San Francisco, CA, September 20, 2020

Gregory Dillon

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